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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,491	04/19/2001	Michael L. Obradovich	9800.1019	9904

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03/04/2005

Alex L. Yip
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,491

Applicant(s)

OBRADOVICH, MICHAEL L.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/23/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final. *2nd*
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-58 rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (US Patent No. 5,719,551) in view of Middlebrook et al. (US Patent No. 4,638,295).

Regarding claim 21, Flick discloses a system for use in a vehicle comprising: an interface for providing a set of indicators for indicating a group of information sources outside the vehicle, the group of information sources being associated with a location, each indicator being selectable to receive signals from the information source indicated by the indicator (see col. 3, lines 5-45 and col. 4, lines 1-32); however, Flick fails to explicitly teach a processor for determining whether the vehicle is within a predetermined distance from a second location, a second set of indicators indicating a second group of information sources, which is, associated with the second location, being provided when it is determined that the vehicle is within the predetermined distance from the second location.

Middlebrook teaches a processor for determining whether the vehicle is within a predetermined distance from a second location, a second set of indicators indicating a second group of information sources, which is associated with the second location, being provided when it is determined that the vehicle is within the predetermined distance from

the second location (see col. 4, lines 13-58). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide whether the vehicle, is within a predetermined distance from a second location, a second set of indicators indicating a second group of information sources, which is associated with the second location, being provided when it is determined that the vehicle is within the predetermined distance from the second location as taught by Middlebrook to the vehicular movement indicator safety system of Flick; in order to provide an improvement in the safety of vehicular operations over a wide range of traffic situations and to enhance a user friendly.

Regarding claim 22, Flick discloses wherein at least one of the information sources includes a radio station (see col. 1, lines 44-58).

Regarding claim 23, Flick discloses wherein at least one of the information sources includes a television station (see abstract). It would have been well known in the art using at least one of signal include a TV signal for communicating with vehicle devices.

Regarding claims 24-26, Flick discloses wherein at least one of the indicators when selected is highlighted on the display (see col. 6, lines 15-32).

Regarding claims 27, Middlebrook discloses wherein the processor determines whether the vehicle is within the predetermined distance from the second location by

comparing a global positioning system (GPS) measurement identifying a current location of the vehicle with a second GPS measurement identifying the second location (see col. 4, lines 14-67).

Regarding claim 28 and 29, Flick discloses wherein at least one of the indicators includes an icon and wherein the at least one indicator is selectable by pointing and clicking at the icon (see col. 3, lines 6-42).

Claim 30 differs from claim 1 in that " a first device for selecting information sources outside the vehicle; a memory for storing data concerning the selected information sources, the data being stored according to a location determined by a second device in the vehicle; and an interface for providing indicators indicating the selected information sources based on the stored data when the vehicle is within a predetermined distance from the location, each indicator being selectable to receive signals from the information source indicated by the indicator" which read on Flick see col. 3, lines 21-62).

As claim 31-58 are analyzed as previously discussed with respect to claims 21-30 above.

Response to Argument

3. Applicant's arguments filed on 07/23/04 have been fully considered but they are not persuasive.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is 571-272-4053. The examiner can normally be reached on M-F: 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-2048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

01/31/05


CAO (KEVIN) NGUYEN
PRIMARY EXAMINER